CHECK AGAINST DELIVERY

**Statement by Mr Andris Pelšs**

**State Secretary of the Ministry of Foreign Affairs of the Republic of Latvia**

**at the 68th session of the UN Committee against Torture**

Good morning, Mr Chairman, distinguished members of the Committee, ladies and gentlemen, colleagues,

It is a great honour for me to appear before you today and to present the Periodic Report of the Republic of Latvia on the implementation of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Today I am joined by experienced and highly respected delegates from the Ministry of Justice, the Ministry of the Interior, the Ministry of Welfare, the Ministry of Health, as well as from the Ministry of Foreign Affairs and from the Permanent Representation of Latvia to the UN in Geneva. Among the delegates, we have the Head of the Internal Security Bureau, the Under-Secretary of State of the Ministry of Justice, the Deputy Head of the Prisons’ Administration, and the Deputy Head of the State Police. We look forward to a constructive and informative exchange with your Committee.

Mr Chairman,

Latvia is fully committed to the respect, promotion and protection of human rights. Latvia unequivocally condemns torture and cruel, inhuman or degrading treatment or punishment, and works closely with international and supranational organisations to prevent all forms of ill-treatment. In addition to being a State Party to the Convention, Latvia has also acceded to the European Convention for the Protection of Human Rights and Fundamental Freedoms and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. We are very interested in strengthening the interaction between universal and regional instruments, and therefore are very happy that Ms Ilvija Pūce, Latvian lawyer and human rights expert, member of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has just been elected a member of this Committee.

Mr Chairman, I would now like highlight several substantive issues.

The Declaration of the Intended Activities of the current Government contains express commitment to justice and rule of law, including to the strengthening the respect for human rights. To reflect this commitment, in my speech today, I will first outline the domestic framework for the prohibition of torture, inhumane and degrading treatment or punishment. I will then turn to the institutional, legislative and policy-planning initiatives that have been introduced during the reporting period. Finally, I will focus on the measures taken by Latvia in ensuring the respect for the rights enshrined in the Convention during the reporting period. I hope this will provide some of the answers to your questions and help to create the context for our dialogue today and tomorrow.

In the national legal system, the prohibition of torture, inhumane and degrading treatment or punishment is the core of Article 95 of the Constitution of the Republic of Latvia. I wish to emphasise that Article 89 of the Constitution places the human rights provisions of the Constitution in a wider context, and states that Latvia recognises and protects fundamental rights in accordance with the Constitution, laws and international agreements binding upon Latvia. The laconic form of the Articles of the Constitution allows for their dynamic interpretation taking into account the evolution in legal thought and changes in the context, including changes in international law. Further, torture, bodily injuries, compelling of testimony, exceeding official authority amongst others, are criminalised. To ensure a comprehensive application of the said norms, in 2015 the *Criminal Law* was amended to include the definition of the notion “torture”. This ensures a systemic approach to the criminalisation of torture as laid down in Article 1 of the Convention. It also facilitates uniform implementation of the prohibition of torture, inhumane and degrading treatment or punishment throughout the legislative, administrative and policy-planning instruments. This will also help the national authorities to distinguish the notion of “torture” and “ill-treatment”, clarifying the threshold between both, and to form a consistent practice as envisaged by the Committee in its General Comment No.2 of 2008.

With your permission, Mr Chairman, I will now turn to some of the central elements of the Periodic Report of Latvia submitted to the Committee. The Report covers such issues as the rights of detainees, prisoners, asylum seekers, and victims of human trafficking. The Report also describes the measures Latvia has taken to address domestic violence, and to ensure the effective exercise of the right to legal protection, compensation and rehabilitation as set out in the Convention. The Periodic Report describes the measures taken to implement the Convention, including legislative measures and measures to strengthen the capacity of law enforcement authorities, training of staff and judges. The Report likewise describes the allocation of resources for awareness raising regarding different aspects of prohibition of torture, inhuman and degrading treatment. I invite the Committee to note Latvia’s achievements since the submission and examination of its fifth Periodic Report in 2013.

One of the most important measures taken by Latvia during the Reporting Period was the establishment of the Internal Security Bureau as an independent institution overseen by the Minister of Interior. In November 2015, the *Law on Internal Security Bureau* entered into force, authorising the Internal Security Bureau to conduct investigations of alleged criminal offences committed by the officials and employees of law enforcement authorities. The competence of the Internal Security Bureau is not limited to handling complaints, however. The Bureau has also encouraged the authorities to improve their internal risk management and participated in their risk identification and evaluation process, as well as facilitated the involvement of the society, thereby contributing to the prevention of offences. The Bureau maintains a helpline, which shows a significant increase in the calls and messages received. Thus in 2018, the number of calls and messages was almost three times the amount of those in 2016. Comparing years 2017 and 2018, the number of cases that the Bureau has sent for the prosecution has increased by 67%. It is evident that the Internal Security Bureau has greatly contributed to improving investigations into alleged offences by the officials, and has also gained the necessary trust from those reporting the alleged offences.

A noteworthy step towards effective court system was the “judicial map reform”, which was completed in March 2018. The main goals of the reform were to balance caseload of courts within one region, to enhance specialization of judges, and to increase the overall quality of court rulings, as well as to reduce the length of the proceedings and ensure efficient use of court resources.

A significant progress has been made to improve prison infrastructure, material conditions, and everyday life of inmates. For example, we have introduced different new forms of communication, like SKYPE calls and “family days” that allow several categories of prisoners to meet their relatives. Since 2014, 4m2 rule per prisoner has been ensured in all prisons, and addiction reduction programs were introduced in a newly built Addiction centre of the Olaine prison. The building of the new prison in Liepāja is among the priorities of the Government in the justice and rule of law area.

Since 2014, Latvia has made a significant progress in creating legal framework to prevent domestic violence and protect victims of such violence. The amendments to the *Criminal Procedure Law* strengthened the procedural safeguards and opportunities for victims of domestic violence to report the perpetrators. The *Criminal Law* was amended to include an aggravating element, namely, cases when actions were committed against a person to whom the perpetrator is related in the first or second degree of kinship. Both laws have also been amended to simplify the reporting procedure and questioning of victims in the criminal cases involving specially protected victims, such as minors, victims of human-trafficking, victims of violence from relatives or persons with intimate relationships. The amendments to the *Civil Procedure* Law introduced a temporary protection of the victims of violence. Further amendments to other applicable laws were adopted as well to ensure effective implementation of the temporary protection. Statistical data show that police and court`s restraining orders are actively requested by those in need of protection from domestic violence and applied against the aggressors. The awareness of this problem in the public has risen, and there is a growing tendency of no tolerance for domestic violence. The police officers and judges were provided with specific training to recognize various forms of domestic violence. The protection system introduced in 2014 has proved itself in practice as an available and effective tool. The next priority of the authorities is to introduce effective prevention mechanism for domestic violence and abuse. The interdisciplinary discussions are ongoing with regard to the best inter-institutional cooperation model that would allow preventive intervention in family at very early stages and first signs of possible outbreaks of domestic violence. The challenge is to agree on a model that would be acceptable for all stakeholders and that would be financially viable in the meantime. We are confident that we will succeed also in this challenging task.

During the reporting period, the Government continued to improve availability of appropriate health care for vulnerable persons, in particular persons with disabilities. In June 2019, the Government approved the *Plan for improving the accessibility of mental health care for the years 2019-2020*. The aim of the plan is to ensure modern and quality psychological health assistance that is tailored to the needs of the patient. The plan intends to raise the mental health awareness and to promote early diagnosis of mental illnesses followed by early treatment and medical rehabilitation. The plan includes specific measures, such as improvement of outpatient medical treatment of patients with mental and behavioural disorders and training for medical practitioners

Turning to the other important legislative initiatives adopted after the submission of the Periodic Report, I want to emphasise a major accomplishment in reducing the number of non-citizens in Latvia. As noted in the previous Periodic Reports, and in light with the Committee’s Concluding Observations of 2013, Latvia is committed to reduce the number of non-citizens in Latvia. On 17 October 2019, the Parliament passed a new law“*On the Discontinuation of the Non-Citizen’s Status for Children*”*.* The law provides termination of the granting of the status of a non-citizen to children born to non-citizen parents after 1 January 2020, and recognizes them automatically as the citizens of Latvia. I wish to emphasize, however, that non-citizens of Latvia are not stateless persons. Non-citizens have the same social guarantees as Latvian citizens, they enjoy the protection of the State while abroad, and they enjoy most of the political rights. The only substantive difference between Latvian citizens and non-citizens is the right to vote and to work with the civil service or occupy posts linked to national security. Such practice does not differ from the practice in other countries. Overall, Latvia has created all the preconditions for persons with temporary non-citizen status to acquire Latvian citizenship, and legislation in this field is regarded as one of the most liberal in Europe.

Finally, Latvia recognises that to ensure proper respect for human rights, the State needs competent and well-trained officials. To achieve this, a number of training sessions for civil servants, law enforcement officials, judicial officials have taken place during the reporting period. The training covers wide variety of questions, including international law and human rights law. Judges are regularly offered professional development courses and lectures on, for example, effective enforcement of the prohibition of torture. Prosecutors of all structural units of the prosecutor’s office participated in seminars, training courses and lectures at local and international level; officials of the Prison Administration and police officers are offered continuous professional training

In conclusion, I would like to highlight the role of the National Human Rights Institution – the Ombudsman’s Office. First, the Ombudsman’s Office provided valuable comments to the draft Periodic Report that have been incorporated in the text of the Report. Second, the Ombudsman’s Office functions as the National Preventive Mechanism for the purposes of the Optional Protocol to the Convention. To ensure this task, the Ombudsman’s Office received additional funding. As of March 2018, this mechanism is successfully operating overlooking prisons, orphanages, boarding schools, psychiatric medical institutions and others.

Mr. Chairman, distinguished members of the Committee, I hope you have found the information I have just presented useful. Our delegation looks forward to the fruitful and constructive dialogue with the Committee. We see it as a contribution to the strengthening of human rights protection in Latvia, as well as a contribution to the universal implementation of the Convention.

Thank you!